

DIVISION 17.32.050 - ARTS, ENTERTAINMENT AND INNOVATION DISTRICT

Sec. 1 - Purpose.

The purpose of the Arts, Entertainment and Innovation District, hereinafter referred to as the "Arts, Entertainment and Innovation District" is to provide an optional set of development standards in a targeted sub-area of the Town's Arts and Cultural District that includes residential areas around the downtown. The creation of an optional Arts Overlay District, as permitted by Code, allows zoning regulations to be more responsive to the needs of artists in the community, encourages more owner-occupied dwellings in this geographic area and expands the economic opportunities for home owners, property owners and artists.

Sec. 0001 - Applicability.

- (a) The following area of the Desert Hot Springs is hereby established as the Arts, Entertainment Innovation District:

Land in and around the downtown area generally located from _____, _____, _____ and _____ as depicted on the map entitled "Boundaries of the Arts Overlay District" prepared by the Development Department and dated _____, 2015, which is filed in the department and incorporated herein by reference. The boundaries of the Arts Overlay District as depicted are hereby adopted.

- (b) The provisions of the Arts Overlay District shall be available for use only on parcels containing a detached single-family dwelling unit. Parcels with a two-family dwelling unit shall be eligible for the provisions of the Arts Overlay District only if both dwelling units are owned by the same person or entity and a conditional use permit is granted. Parcels with two-family dwelling units that do not meet the provisions above, multifamily dwelling units or single-family dwelling units with an accessory dwelling unit are not eligible for the Arts Overlay District, unless the existing structures are converted to one (1) single-family dwelling unit.
- (c) Using the Arts Overlay District can benefit a property owner by allowing greater intensity and variety of uses than would otherwise be allowed in the base Zoning District.
- (d) The use of the Arts Overlay District is optional. However, if the owner or artist opts to use the Arts Overlay District, the provisions and requirements of the Arts Overlay District must be used in their entirety. An owner or artist may not select only specific elements from the Arts Overlay District regulations.
- (e) Not all types of arts uses will be appropriate for the residential areas eligible for the optional Arts Overlay District. The addition of arts uses can be very compatible and add to the character of a neighborhood, but some more intensive uses with negative impacts such as noise, dust, fumes, and vibration will not be suitable for location in the Arts Overlay District.
- (f) All applicable standards and reviews must be met for properties located within the Historic or Design Review Overlay District.
- (g) To the extent that the Arts Overlay District does not address a specific development requirement, the regulations contained in the base zoning district and in the entirety of the Zoning Ordinance shall apply.

Sec. 0002 - Definition of terms and use types.

For purposes of the Arts Overlay District, the words and phrases listed below shall have the following meanings:

ARTS RELATED PERSONAL IMPROVEMENT SERVICES: Establishments primarily engaged in providing instruction in (i) the visual arts, including, but not limited to, painting, sculpting, photography and folk arts, or (ii) the performing arts including, but not limited to, music, dance, and theatre. This does not include any instruction related to tattooing or body piercing.

ARTIST STUDIO, SINGLE-ARTIST (or "Single-Artist Studio"): A building, or portion thereof, used as a place of work by a single artist engaged in (i) the visual arts, including, but not limited to, painting, sculpting, photography and folk arts, or (ii) the performing arts, including, but not limited to, music, dance, and theatre. A single-artist studio includes the creation of work and the accessory sale of work produced only by the artist in his or her own studio. Works from other artists may not be offered for sale. This does not include a studio for tattooing or body piercing.

ARTIST STUDIO, MULTIPLE-ARTISTS (or "Multiple-Artists Studio"): A building, or portion thereof, used as a place of work by multiple artists engaged in (i) the visual arts, including, but not limited to, painting, sculpting, photography and folk arts, or (ii) the performing arts, including, but not limited to, music, dance, and theatre. A multiple-artists studio includes the creation of work and the accessory sale of work produced by multiple artists using or sharing the studio(s). Works from other artists may not be offered for sale. This does not include a studio for tattooing or body piercing.

GALLERY: A building or portion thereof, used as a place to exhibit and offer for sale the works of visual artists, including, but not limited to, painting, sculpting, photography and folk arts.

MIXED USE DEVELOPMENT: The development of a parcel(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, retail commercial, public, or entertainment in a single or physically integrated group of structures and support (parking, etc.) facilities.

Sec. 0003 - Permitted uses.

- (a) The permitted and conditional uses shall be as allowed in the underlying base residential zoning districts except as modified herein.
- (b) The following use(s) are permitted by right in the Arts Overlay District:
 - Single-Artist Studio in a single-family dwelling unit.
 - Multiple-Artists Studio in a single-family dwelling unit and meeting the criteria in subsection 0004(f)(3).
- (c) The following use(s) are permitted by through the Administrative Design Review Process on all C-G parcels within the District:
 - Mixed Use Development.
- (c) The following use(s) are permitted by through the Conditional Use Permit Process on all RH, RM, RH, V-S, V-S-V and R/V-SM parcels within the District:
 - Mixed Use Development.

The following uses, which due to potential scale, intensity or other possible negative impacts to the residential neighborhood, are allowed only by conditional use permit, so that each request may be considered on a case-by-case basis:

- Arts-related personal improvement service.
- Art restoration.
- Framing and presentation of other artists' work.

- Gallery.
- Multiple-Artists Studio not meeting the standards in [subsection] (b) above.
- Parking in front of the building line for Single-Artist Studio.
- Repair of musical instruments.
- Single-Artist Studio in a two-family dwelling unit.

(d) The following uses are permitted as accessory uses in the Arts Overlay District:

- Framing and presentation of the artist's own works associated with a Single-Artist Studio.
- Instruction of a maximum of two (2) students at any one (1) time associated with a Single-Artist Studio.

Use		RL	RM	RH	CG	VSV	R/V-SM	VS
Arts-related personal improvement service		R	R	R	R	R	R	R
Art restoration		R	R	R	R	R	R	R
Framing and presentation of other artists' work		R	R	R	R	R	R	R
Gallery		CUP	CUP	CUP	R	ADR	ADR	ADR
Mixed Use Development		CUP	CUP	CUP	R	ADR	ADR	ADR
Multiple-Artists Studio meeting the standards in [subsection] (b)		R	R	R	R	R	R	ADR
Multiple-Artists Studio not meeting the standards in [subsection] (b)		ADR	ADR	ADR	R	R	ADR	ADR
Parking in front of the building		R	R	R	P	R	R	R
Repair of musical instruments		R	R	R	R	R	R	R
Single-Artist Studio in a single-family dwelling unit		R	R	R	R	R	R	R
Single-Artist Studio in a two-family dwelling unit		R	R	R	R	ADR	R	R
Framing and presentation of the artist's own works		R	R	R	R	R	R	R
Instruction of a maximum of two (2) students		R	R	R	R	ADR	R	R
<u>Review Process</u> R - By Right of Zone ADR – Admin. Design Review CUP – Conditional Use Permit P - Prohibited								

Sec. 0004 - Site development standards.

- (a) The standards of this Arts Overlay District for qualifying uses are the district standards of the underlying residential zoning district, except as modified herein.
- (b) Setbacks:
 - Front: Twenty (20) feet or the existing building line, whichever is less.
 - Side: Seven (7) feet.
 - Rear: Ten (10) feet.
 - Other: Additions to existing structures are allowed to continue the building line of the existing structure. When a new freestanding structure is constructed on a corner lot, the structure shall meet the front yard setback for the street frontage determined to be the front yard, and shall meet a ten-foot setback on the second street frontage. The size of additions or new structures is not limited, provided that the requirements for lot coverage and floor area ratio are met.
- (c) Lot coverage: Fifty-five (55) percent. **There is no minimum lot coverage in the residential zones.**
- (d) **There shall be minimum dwelling unit size.**
- (e) Floor area ratio: Thirty-five one-hundredths (.35).
- (f) Residential density and occupancy:
 - (1) Dwelling units in the Arts Overlay District may be owner occupied or rented.
 - (2) For a Single-Artist Studio in a single family dwelling unit the artist must be a resident in the dwelling unit. For a Single-Artist Studio in a two-family dwelling, the artist must be a resident in one (1) of the dwelling units.
 - (3) For a Multiple-Artists Studio as a permitted use, the maximum number of artists allowed shall be two (2) and both artists must be full time residents in the dwelling unit.
 - (4) No additional dwelling units shall be created and no accessory structures shall be used for living purposes.
 - (5) **Second dwelling units may be approved subject to state law.**
 - (6) **Density bonuses may be approved subject to state law.**
- (g) Outdoor storage: Outdoor storage is not allowed. All materials and work products must be stored in a completely enclosed building.
- (h) Outdoor impacts:
 - (1) Any creation of art that generates excessive noise, or is not compliant with Section [Chapter] 13 of the Town Code or otherwise not in keeping with noise levels appropriate to a residential zoning district, is prohibited. Noise generating activities must be located in a completely enclosed building that attenuates the noise.
 - (2) Excessive lights, dust, fumes, odors, and vibrations are prohibited unless the impacts are mitigated and the activity is located in a completely enclosed building that attenuates the lights, dust, fumes, odors and vibrations. Excessive lights, dust, fumes, odors and vibrations are those that due to intensity, frequency, or duration disrupt the ability of the neighbors to enjoy and use their property.
- (i) Solid waste disposal: All solid waste shall be disposed of in individual residential pick-up containers. No dumpsters are allowed.
- (j) Parking:

- (1) Parking shall be determined pursuant to Section 17.48 (Off Street Parking Standards) or by the terms of a conditional use permit. Bay parking shall be permitted in the front setback area, subject to Section 17.48.060 Design Standards.
 - (2) No additional parking is required for a Single-Artist Studio. If additional parking is added, it shall be located behind the front building line unless approved through a conditional use permit.
- (k) Signage:
- (1) One (1) sign to identify the arts use shall be allowed. The sign may be either an attached sign or a freestanding sign, and shall not exceed four (4) square feet in area.
 - (2) One (1) arts affiliation sign is allowed. An arts affiliation sign may be single- or double-sided and may not exceed one and one-half (1½) square feet in area. Arts affiliation signs shall be issued by the member arts organization.
 - (3) One (1) directional sign is allowed, not to exceed four (4) feet in height and three (3) square feet in area.
 - (4) No other signage is allowed for the arts or the residential use except for address purposes with address numbers not to exceed twelve (12) inches in height and except as in compliance with the provisions below.
 - (5) An attached sign may be attached as follows:
 - a. Attached to the façade of the main building.
 - b. Attached to a structure containing an arts studio.
 - c. Attached to a fence on the property, provided it does not impede pedestrians or impact sight distances.
 - (6) A projecting or suspended sign is allowed in lieu of an attached sign. The projecting sign may be hung from a porch or other portion of the main structure or studio. No portion of any sign is allowed above the first floor.
 - (7) A freestanding sign shall be a maximum of five (5) feet in height. Such freestanding sign may be placed within five (5) feet of the property line provided that the sign does not impede pedestrians or impact sight distances. A freestanding sign may be a pole sign, but may not be a monument sign.
 - (8) Signs may be double-sided.
 - (9) Changeable copy is not allowed.
 - (10) The sign may only be illuminated externally. No internal illumination, either of a sign box or individual channel letters, shall be allowed. Illumination is allowed only after dusk and only when the arts use is open for business. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle. Light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.
 - (11) Neon signage is not allowed.
 - (12) Strip lighting is not allowed.
 - (13) Alterations to the sign regulations contained in the Arts Overlay District may be requested as part of a conditional use permit. This can include a greater number or size of signs, location of signs or the use of artistic sign embellishments.

Sec. 0005 - Use and design standards.

- (a) The use and design standards of this Arts Overlay District are the use and design standards of the underlying residential zoning district, except as modified herein.
- (b) Artist studio, single-artist:
 - (1) The use of alternative pavements, such as brick pavers or porous pavement, is encouraged.
 - (2) Exterior lighting shall be compatible with the surrounding neighborhood.
 - (3) Hours of operation when open to the public shall be compatible with the surrounding neighborhood and are limited to 10:00 a.m. to 8:00 p.m., Sunday through Thursday, and 10:00 a.m. to 9:00 p.m. on Friday and Saturday.
 - (4) No employees are allowed except for occasional paid labor for special events.
 - (5) New driveway entrances shall meet residential construction standards.
 - (6) For new construction and additions, the scale, massing, and building design should be compatible with the surrounding neighborhood and residential in character. The principal structure shall be street-oriented with pedestrian entrances from the street.
 - (7) The architecture and historic character of existing structures shall be retained.
 - (8) For existing structures, no exterior changes may be made that are nonresidential in character.
 - (9) New parking areas shall be located behind the front line of the principal building and screening is required between the parking and adjacent properties and streets. Any modification to this standard regarding the location of parking requires the processing of a conditional use permit.
- (c) Artist studio, multiple-artists:
 - (1) Applicants must clearly demonstrate that the use adds value to the neighborhood based on the nature, condition, and neighborhood impact of adjacent uses.
 - (2) The architecture and historic character of existing structures shall be retained. The retention and use of existing structures that contribute to the character of the neighborhood shall be a consideration in the granting of a conditional use permit.
 - (3) For new construction and additions, the scale, massing, and building design should be compatible with the surrounding neighborhood and residential in character. The principal structure shall be street-oriented with pedestrian entrances from the street.
 - (4) For existing structures, no exterior changes may be made that are nonresidential in character.
 - (5) Hours of operation when open to the public are limited to 10:00 a.m. to 8:00 p.m., Sunday through Thursday, and 10:00 a.m. to 9:00 p.m. on Friday and Saturday, unless modified through the conditions of the conditional use permit.
 - (6) The number and duration of special events and the number of employees shall be set forth in the conditional use permit application and will be regulated through conditions of the conditional use permit based on neighborhood compatibility.
 - (7) Exterior lighting shall be compatible with the surrounding neighborhood.
 - (8) The use of alternative pavements, such as brick pavers or porous pavement, is encouraged.
 - (9) New entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on the surrounding residential neighborhood. New driveways shall meet residential construction standards.
 - (10) All proposed parking shall be located behind the front line of the principal building. An exception may be granted as part of the conditional use permit based on the parcel configuration, the location of existing structures, existing parking and mature trees, or other similar circumstances.

Parking shall be screened from adjacent properties and streets with the intent of blocking car headlights.

(d) Arts related personal improvement services:

- (1) Applicants must clearly demonstrate that the use adds value to the neighborhood based on the nature, condition, and neighborhood impact of adjacent uses.
- (2) The architecture and historic character of existing structures shall be retained. The retention and use of existing structures that contribute to the character of the neighborhood shall be a consideration in the granting of a conditional use permit.
- (3) For new construction and additions, the scale, massing, and building design should be compatible with the surrounding neighborhood and residential in character. The principal structure shall be street-oriented with pedestrian entrances from the street.
- (4) For existing structures, no exterior changes may be made that are nonresidential in character.
- (5) Hours of operation when open to the public are limited to 10:00 a.m. to 8:00 p.m., Sunday through Thursday, and 10:00 a.m. to 9:00 p.m. on Friday and Saturday, unless modified through the conditions of the conditional use permit.
- (6) The number and duration of special events and the number of employees shall be set forth in the conditional use permit application and will be regulated through conditions of the conditional use permit based on neighborhood compatibility.
- (7) Exterior lighting shall be compatible with the surrounding neighborhood.
- (8) The use of alternative pavements, such as brick pavers or porous pavement, is encouraged.
- (9) New entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood. New driveways shall meet residential construction standards.
- (10) All proposed parking shall be located behind the front line of the principal building. An exception may be granted as part of the conditional use permit based on the parcel configuration, the location of existing structures, existing parking and mature trees, or other similar circumstances. Parking shall be screened from adjacent properties and streets with the intent of blocking car headlights.

(e) Gallery:

- (1) Applicants must clearly demonstrate that the use adds value to the neighborhood based on the nature, condition, and neighborhood impact of adjacent uses.
- (2) The architecture and historic character of existing structures shall be retained. The retention and use of existing structures that contribute to the character of the neighborhood shall be a consideration in the granting of a conditional use permit.
- (3) For new construction and additions, the scale, massing, and building design should be compatible with the surrounding neighborhood and residential in character. The principal structure shall be street-oriented with pedestrian entrances from the street.
- (4) For existing structures no exterior changes may be made that are nonresidential in character.
- (5) Hours of operation when open to the public are limited to 10:00 a.m. to 8:00 p.m., Sunday through Thursday, and 10:00 a.m. to 9:00 p.m. on Friday and Saturday, unless modified through the conditions of the conditional use permit.
- (6) The number and duration of special events and the number of employees shall be set forth in the conditional use permit application and will be regulated through conditions of the conditional use permit based on neighborhood compatibility.
- (7) Exterior lighting shall be compatible with the surrounding neighborhood.

- (8) The use of alternative pavements, such as brick pavers or porous pavement, is encouraged.
- (9) New entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
- (10) All proposed parking shall be located behind the front line of the principal building. An exception may be granted as part of the conditional use permit based on the parcel configuration, the location of existing structures, existing parking and mature trees, or other similar circumstances. Parking shall be screened from adjacent properties and streets with the intent of blocking car headlights.

Sec. 0006 - Application and administration process.

- (a) The Planning and Building Department shall maintain a registry of all users of the Arts Overlay District.
- (b) Use of the Arts Overlay District provisions requires registration with the Planning and Building Department prior to the commencement of any use allowed herein and prior to any building or site improvements.
- (c) The artist (any person actually engaging in the arts activities described in this division) shall be the applicant for the registration. If the artist is not the owner of the property, consent from the owner to apply for the Arts Overlay District must be included in the application.
- (d) A pre-application meeting is required for Arts Overlay District registration. This meeting will serve as the pre-application meeting for the filing of a site plan or conditional use permit if required.
- (e) Upon successful demonstration of compliance with the requirements of the Arts Overlay District, the applicant shall be given a letter of registration confirmation from the Planning and Building Department.
- (f) The registration must be renewed on a yearly basis and staff shall be allowed to inspect the property to determine continued compliance with the requirements contained herein.
- (g) The registration approval shall not transfer to subsequent owners. Potential purchasers may apply and receive pre-purchase approval of registration with an inspection for compliance within thirty (30) days of purchase. If the arts studio installation is not complete to the extent necessary for an inspection within the thirty (30) days, the applicant may request in writing one (1) sixty (60) day extension from the Development Department.